

# RACIAL DISPROPORTIONS IN A NORTH CAROLINA EXCEPTIONAL CHILDREN'S PROGRAM: A CASE STUDY

A thesis presented to the faculty of the Graduate School of  
Western Carolina University in partial fulfillment of the  
Requirements for the degree of Specialist in School Psychology.

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July 2013

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## ABSTRACT

RACIAL DISPROPORTIONS IN A NORTH CAROLINA EXCEPTIONAL  
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For several decades research has documented the overrepresentation of minorities in special education programs. The public school system in Wayne County, North Carolina, has been plagued by accusations of racial inequality, such as segregation of school district lines to seclude children in the Goldsboro City district which is within the Wayne County school system and primarily African American, from attending schools in higher-SES districts, where the children are primarily white. Even though the racial inequity has been identified with regard to the school district lines, researchers have not explored additional acts of racial inequality in the public school system of Wayne County. This study compared the racial composition of children in the Wayne County special education program and their eligibility categories to the racial composition of the entire Wayne County Public School student population to identify any potential issues of minority overrepresentation in their special education program. Chi square analyses revealed statistically significant results with African American students being the most overrepresented minority group in the analyzed high-incidence special education

categories, such as mild intellectual disability, moderate intellectual disability, serious emotional disturbance, and specific learning disability. They were also overrepresented in the category of severe intellectual disability. Implications of these results for the county as they try to unravel possible discriminatory practices and policies that result in unequal education experiences will be discussed.

## CHAPTER I: REVIEW OF THE LITERATURE

### **Introduction**

Racial disproportions in special education programs have been a nationwide concern for several decades. Racial disproportionality in special education is when the percentage of one minority group in special education is higher than its percentage in the representative population (Bollmer, Bethel, Munk, & Bitterman, 2011). Research has suggested that often minorities are overrepresented in exceptional children (EC)/special education programs (Cartledge, 2005; Dunn, 1968; Fiedler et al., 2008; Skiba et al., 2008; Taylor, 2005; Wright & Santa Cruz, 1983; Zhang & Katsiyannis, 2002).

Overrepresentation in special education has been documented for numerous ethnic and racial groups (Gabel, Curcic, Powell, Khader, & Albee, 2009; Obiakor, Harns, Offor, & Beachum, 2010; Raines, Dever, Kamphaus, & Roach, 2012; Shealey, McHatton, & Wilson, 2011; Shifrer, Muller, & Callahan, 2011; Sullivan et al., 2009; Sullivan & Bal, 2013; Vasquez III et al., 2011) as well as for individuals with limited English-proficiency (Garcia, 2010; Hibel & Jasper, 2012; Moreno & Gaytán, 2013; Ortiz et al., 2011; Samson & Lesaux, 2009; Sullivan, 2011). This paper will focus primarily on the overrepresentation of ethnic or racial minorities in special education. The next sections will discuss legislation related to disabilities in schools and litigation related to racial discrimination in special education.

### **Relevant Special Education Legislation**

Current legislation highlights the need for an appropriate education for all children. In 1975, Congress and President Ford established Public Law 94-142, otherwise known as the Education for All Handicapped Children Act, which safeguarded the

education of children with disabilities (Office of Special Education and Rehabilitative Services, 2010). This law was amended several times before being replaced by Public Law 101-146, the Individuals with Disabilities Education Act (IDEA) in 1990 (Office of Special Education and Rehabilitative Services, 2007). Since its adoption, IDEA has been reauthorized multiple times. The most recent iteration of this law ensures that all children receive a free and appropriate public education in the least restrictive environment (U.S. Department of Education, 2007). IDEA also concludes that when a disability is identified in the public school setting, it should not be the result of cultural, environmental, or economic factors. Therefore, it can be assumed that when a child is misidentified with a disability and placed in special education as a function of culture, environment or economic factors, IDEA has been violated and the child is being denied a free and appropriate public education in the least restrictive environment. IDEA also focuses on the need for early intervention and prevention programs, as well as comprehensive transition planning for students with disabilities.

As part of IDEA, schools are required to provide parents of children with disabilities or of children who are referred for special education assessment with a handbook outlining procedural safeguards (North Carolina Department of Public Instruction, 2009). For North Carolina, this handbook is called *Procedural Safeguards: Handbook on Parents' Rights*. The handbook is offered to parents any time they attend a special education meeting and highlights their rights as parents of children with disabilities. With a better understanding of their rights, parents would be more equipped to address disproportionality by combating inaccurate assessment and inappropriate eligibility determinations. In regards to disproportionality in special education, IDEA



mandates in 34 CFR Part 300 and in section 618 (d) that schools have policies and procedures to prevent the inappropriate overidentification and disproportionate representation of minority students in special education (U.S. Department of Education, 2007). In addition, states and their local educational agencies (LEAs) that receive assistance under Part B of IDEA must collect and analyze data annually to determine any cases of disproportionate minority representation in special education.

The primary equation used to calculate disproportionality is to divide the number of children from a racial/ethnic group in a specific disability category by the number of children from that racial/ethnic group in the representative population (Bollmer et al., 2011). The second step in the equation is to calculate the derived number by 100. If a disproportionate minority representation is found, the LEA in which it was found is required to revise its policies, practices, and procedures used in the special education identification or placement process and to then provide a public report of the changes (U.S. Department of Education, 2007). The final IDEA regulation in regards to disproportionality is that state agencies monitor LEAs to ensure that the disproportionate representation of ethnic and minority groups does not occur in special education.

Additional federal legislation is Section 504 of the Rehabilitation Act of 1973 (Office for Civil Rights, 2010). Section 504 protects the rights of any individual with a disability from discriminatory activities or agencies that receive federal funding or assistance, such as public schools. In the public school setting, Section 504 mandates that all children with a disability receive a free and appropriate public education (FAPE). Section 504 does not address discrimination based on race, but is relevant to the issue of disproportionality in regards to special education evaluation and placement (Office for

Civil Rights, 2000; Office for Civil Rights, 2010). In 34 CFR Part 104 of Section 504, it states that evaluation data include a wide variety of data so that accurate eligibility and special education placement decisions are made. Based on this provision, it can be generalized that when making a special education eligibility determination, a wide variety of data should be analyzed to ensure that a student receives appropriate services and is not wrongly identified with a disability based on racial or cultural variables.

The Americans with Disabilities Act of 1990 provides important consideration for individuals that have disabilities in a wide variety of settings, including the educational setting (Americans with Disabilities Act, 2011; Thomas & Grimes, 2008). The ADA prohibits the discrimination against individuals with disabilities and provides that they receive equal opportunity in employment, state and local government services, such as the public school setting, public accommodations, commercial facilities, and transportation. Similar to Section 504, the ADA does not specifically address the discrimination against individuals of minority or ethnic status, but states that if an individual has a disability, he/she receives the appropriate services. In the special education setting, this means that children with disabilities receive appropriate special education services.

North Carolina has integrated the above legislation into their *Policies Governing Services for Children with Disabilities* manual. For example, if a child is limited English proficient, the North Carolina *Policies Governing Services for Children with Disabilities* asserts that the child must be evaluated in his/her native language to ensure that an appropriate evaluation and placement occur (North Carolina Department of Public Instruction, 2010). The *Policies Governing Services for Children with Disabilities*

manual states that when making a special education eligibility determination, the Individualized Education Plan (IEP) team must show evidence that the child's disability is not the result of cultural factors, limited English proficiency, or from being environmentally or economically disadvantaged.

### **Relevant Special Education Litigation**

Special education litigation has also addressed discrimination against children from different cultural, racial, or linguistic backgrounds in the academic environment. Racial discrimination in the public education setting has been a persistent problem for more than a century. In 1896, in regards to the *Plessy v. Ferguson* case, the court ruled that African American and white children were all entitled to an equal public education; however, African American and white students had to receive their equal public education in separate settings (Library of Congress, n.d.). In 1954, the U.S. Supreme Court ruled in the case *Brown v. Board of Education*, which was a consolidation of five separate cases, that segregated public schools were a violation of the 14<sup>th</sup> amendment and were ultimately unconstitutional (U.S. Courts, n.d.; U.S. National Archives & Records Administration, 2013). In 1967, the *Hobson v. Hansen* court case ruled against the discrimination of African American students by means of school assignment and ability tracking policies (Lundy-Wagner, 2010). In 1971, a follow-up to the *Hobson v. Hansen* court case ruled that educational resources should be more equally distributed among African American and white students.

Several court cases have addressed racially, culturally, and linguistically biased assessments; these court cases have included the *Diana v. State Board of Education* case in 1970, the *Guadalupe v. Temple School District* case in 1972, and the *PASE v. Hannon*

case in 1980, which argued that the overrepresentation of African American students in the educable mentally retarded (EMR) category was the result of biased intelligence tests (Reynolds & Fletcher-Janzen, 2007; Segall & Wilson, 2004; Thompson, 2004). In 1972, the *Larry P. v. Riles* case concluded that intelligence tests cannot be the determining factor that places children in special education programs; this case also highlighted the overrepresentation of minority students placed in the EMR category and ruled that the percentage of minority students in special education must be parallel to the percentage of minority students in the representative population (Sacks, 2001; Thompson, 2004). Even though multiple litigations have occurred to address the issue of minority overrepresentation in special education, the issue has continued to exist.

As previously stated, an overrepresentation of minorities receiving special education is a nationwide concern. This issue is also a concern in North Carolina (Ferri & Connor, 2005; Zorigian & Job, 2009). The purpose of this study is to examine the racial composition of Wayne County's Exceptional Children's (EC) program to identify any racial disproportions. Identifying racial disproportions in Wayne County will serve as informative data to allow for EC Program referral and placement reform. The following literature review will address (1) the recent research regarding continued overrepresentation of certain minority groups in special education, (2) the reason why overrepresentation in special education needs to be considered, (3) the factors that have influenced overrepresentation (4) the attempts to address special education disproportionality, (5) and a description of the Wayne County public school system.

### **Overrepresentation of Minorities in Special Education**

#### **National Data**

The issue of minorities being overrepresented in special education services has been a concern for several decades (Artiles, Rueda, Salazar, & Higareda, 2005; Artiles, Trent, & Palmer, 2004; Dunn, 1968; Ferri & Connor, 2005; Fletcher & Navarrete, 2003; Meyer & Patton, 2001; Ortiz & Yates, 1983; Reschly, 1997). As previously mentioned, several federal policies have been created as a safeguard to ensure equal education opportunities for all students regardless of race (Davis, 2005). The federal policies have included the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). Even with these three policies, inequality in the education system has persisted in regards to race, culture, and language. Inequality in the school system due to race, culture, and language has several implications, but for the purpose of this study, the focus will solely be on the overrepresentation of minority students in special education programs (Ferguson, 2010; Gregory, Skiba, & Noguera, 2010; Muller, Riegle-Crumb, Schiller, Wilkinson, & Frank, 2010).

In the U.S. Department of Education's 2011 annual report, it was concluded that based on recent U.S. Census data, United States public school students have become significantly diverse (Ford, 2012). In the United States, minority students have drastically increased and continue to increase in the public school population. Even though policies have been created to protect minority students from educational inequality, racial inequality in the U.S. public school system has continued to occur. Research has suggested that students of minority status are typically more represented in programs designed to address the needs of children with disabilities, such as special education, and are underrepresented in programs designed to address the needs of children with above

average academic performance, such as academically gifted programs and advanced courses (Corra, Scott, & Carter, 2011; Yoon & Gentry, 2009). Studies have indicated that minority students are often overrepresented in high-incidence special education categories, which include mild to moderate intellectual disabilities, behavior and emotional disturbances, and learning disabilities, and not low-incidence special education categories, such as severe intellectual disabilities, cerebral palsy, and vision/hearing impairments (Arnold & Lassmann, 2003; Donovan & Cross, 2002). Some minority groups tend to be more overrepresented in high-incidence disability categories than other minority groups. According to Office of Special Education Programs' (OSEP) 30<sup>th</sup> annual report to Congress on the implementation of IDEA published in 2008, racial and ethnic minority students were most often represented in the specific learning disability (SLD) category and were more likely to receive special education services under one of the following categories: SLD, speech or language impairments, intellectual disabilities (ID), other health impairments (OHI), or emotional disturbance (Office of Special Education Programs, 2008).

**African American Population.** In regards to the African American minority group, the Office for Civil Rights (OCR) (2006) reported that even though African American students represented 17.13% of the public school student population in the United States, they were overrepresented in special education categories: 32.01% of students identified as having an intellectual disability, 28.91% of students identified as having a behavioral or emotional disturbance, 20.23% of students identified as having a specific learning disability, and 21.66% of students identified as developmentally delayed (Ford, 2012; Office for Civil Rights, 2006). According to the Office of Special Education

Programs' annual report (2008) on the implementation of IDEA, it was reported that African American students were 2.75 times more likely to receive services for an intellectual disability and were 2.28 times more likely to receive services for an emotional disturbance (Office of Special Education Programs, 2008). Another study suggested that African American students were three times as likely to be identified as having an intellectual disability two times as likely to be identified with a behavioral-emotional disability, and approximately one and a half times as times as likely to be identified with a specific learning disability compared to white American students (Ferri & Connor, 2005; Losen & Orfield, 2002). Jordan (2005) concluded that African American students were more likely to be diagnosed with an intellectual disability in states with high levels of minority overrepresentation in special education programs as a whole. This report also indicated that North Carolina was considered to have a high level of minority overrepresentation in special education programs. African American students are also more likely to be identified as having an intellectual disability if they attend schools in wealthier communities (Oswald, Coutinho, & Best, 2002).

**Hispanic American Population.** In regards to the Hispanic American minority group, the 2006 OCR report indicated that Hispanic Americans represented 20.41% of the public school student population and were slightly underrepresented in the intellectual disability, behavior or emotional disability, and developmentally delayed special education categories; they were slightly overrepresented, 20.98%, in the specific learning disability category (Ford, 2010; Office for Civil Rights, 2006). According to the Office of Special Education Programs, Hispanic students were 1.19 times more likely to receive services for a specific learning disability and were .48 times less likely to receive services

for other health impairments (Office of Special Education Programs, 2008). Another report concluded that Hispanic students tend to be underrepresented when they are in elementary school, but overrepresented when they are in high school (Artiles, Rueda, Salazar, & Higareda, 2002). Further analysis has concluded that the overrepresentation of Hispanic students in special education programs is not a national concern, but rather a concern specific to several states and school districts (Guiberson, 2009; Meyer & Patton, 2001; Oswald, Coutinho, Best, & Nguyen, 2001). Hispanic students living in states with a high Hispanic population are more likely to be overrepresented in special education programs (Parrish, 2002). In the state of New Mexico, a 10-year longitudinal study indicated that Hispanic students were more frequently identified as having a specific learning disability or speech-language impairment than were European American students (Valdez, 2003). In addition to qualifying for special education services, research has indicated that Hispanic students are referred for testing at a higher rate than European American students for special education services (Hosp & Reschly, 2003).

**Asian American Population.** Asian American students are typically underrepresented in special education programs (Losen & Orfield, 2002; Poon-McBrayer & Garcia, 2000). The Office of Special Education Programs (2008) concluded in their 30<sup>th</sup> annual report to Congress that students of Asian/Pacific Islander descent were 1.29 times more likely to receive services for autism and were .26 times less likely to receive services for an emotional disturbance. Asian American students have been referred to, by some, as the “model minority” and in addition to being underrepresented in special education programs, are overrepresented in academically and intellectually gifted classes, and participate more often in advanced placement (AP) classes (Aud, Fox, &



KewalRamani, 2010; Ford, 2012; Kristof, 2006). As a result, Asian American students often have high and positive expectations placed upon them by their parents, teachers, and other school staff.

**Native American Population.** In regards to Native American students, research has suggested that this specific population is often referred for special education services because their way of learning differs from white students' ways of learning and responding (Gritzmacher & Gritzmacher, 2010). After being referred, Native American students are likely to qualify for special education services due to confusion regarding the interpretation of the assessment results. Data from the 2006 Office for Civil Rights data collection suggested that Native Americans are overrepresented in intellectual disabilities, behavioral or emotional disabilities, specific learning disabilities, and developmental delays (Ford, 2012; Office for Civil Rights, 2006). More specifically, another study's results suggested that approximately 15% of American Indian and Alaskan Native third grade students received special education services at a rate higher than any other racial or ethnic group (Hibel, Faircloth, & Farkas, 2008). The Office of Special Education Programs stated that American Indian/Alaska Native students were 1.81 times more likely to receive special education services for a specific learning disability than students' ages 6 through 21 in all other racial and ethnic groups combined (Office of Special Education Programs, 2008).

### **Regional Data**

Research has suggested that southern states, including North Carolina, are more likely to have special education programs composed heavily of minority children (Ferri & Connor, 2005). Some have hypothesized that southern states often have a higher

percentage of minority populations in their special education programs as a result of a more extensive and significant history of racial segregation (Abdullah, 2006; Collins, 2008; Ferri & Connor, 2005). Zhang and Katsiyannis (2002) conducted a study that suggested that African American students in the Southern region are more likely to receive special education services for an intellectual disability than African American students in the West and Northeast regions of the United States. There was a mean difference of 2.14% between African Americans living in Southern and Northeast regions and a mean difference of 2.10% between students living in the Southern and West regions of the United States. A common practice in southern states is to have neighborhood schools and some have considered school segregation to be the result of these neighborhood schools (Cullen & Rivkin, 2003; Joyner & Marsh, 2011).

Neighborhood schools mean that children attend school in the neighborhood in which they live, instead of being allowed an intra-district choice. This means that children who live in a low-income neighborhood attend low-income schools. Research has demonstrated that low-income schools attract less qualified teachers (Breaden, 2008). The idea of neighborhood schools and their effect on special education disproportionality has not been analyzed; however, it is important to consider that neighborhood schools may contribute to racial inequality in education in the Southern region of the United States.

### **North Carolina Data**

Recent data has suggested that in North Carolina approximately 35% of students receiving special education services are African Americans, even though African American students only represent 30% of the public school student population (Zorigian

& Job, 2009). According to the same report, Hispanic students in North Carolina tend to be slightly underrepresented in special education (11% in the total school population and 8% in the special education population) and white students tend to be proportionately represented (53% in the total school and special education populations). However, the level of overrepresentation varies by school district. Zorigian and Job (2009) stated that according to the North Carolina Department of Public Instruction, 10% of LEAs have a problem with special education disproportionality. More specific data regarding disproportionality in North Carolina was not available due to the North Carolina Department of Public Instruction's *Disproportionality Report* being updated at the time of this study. As a result, an attempt was made to contact someone at the NC Department of Public Instruction (NC DPI) to check the status of the report and to find out what school districts in North Carolina have been identified with significant disproportionality and have had the LEA fund applied; however, this attempt was unsuccessful.

### **Reasons that Special Education Overrepresentation Needs to be Considered**

Minority overrepresentation in special education is an important issue and entails several negative implications for students, such as widening the achievement gap (Aron & Loprest, 2012; Bussing et al., 2012; Shin, Davison, Long, Chan, & Heistad, 2013; Signor-Buhl, LeBlanc, & McDougal, 2006) and decreased graduation rates (Aron & Loprest, 2012; Goodman, Hazelkorn, Bucholz, Duffy, & Kitta, 2011; Zablocki & Krezmien, 2013). Therefore, it can be assumed that children who are inappropriately identified with a disability and qualified for special education services are at risk for low academic achievement and an increased likelihood for high school dropout due to receiving special education services and being subject to its negative implications.

## **Achievement Gap**

Even though special education services are sought to address academic concerns, research has suggested that some special education programs increase the discrepancy of academic achievement between students receiving and not receiving special education services instead of narrowing the achievement gap (Aron & Loprest, 2012; Bussing et al., 2012; Shin et al., 2013; Signor-Buhl et al., 2006). Shin and colleagues (2013) examined the reading and math performances among regular and special education students in the fourth to seventh grades in a large urban school district. Their results suggested that the students who received special education services had consistently lower academic achievement. Another study examined the long-term results of 87 students with Attention-Deficit/Hyperactivity Disorder (ADHD) and found that children with ADHD receiving special education services received lower scores on the Florida Comprehensive Assessment Test (FCAT) than children with ADHD not receiving special education services (Bussing et al., 2012). When special education services are warranted, it is imperative to accurately determine the appropriate amount of time a child needs to receive special education services in order to benefit academically. Results from Signor-Buhl, LeBlanc, and McDougal's (2006) study suggested that after controlling for overall cognitive ability, children in the special education inclusion setting (a less intensive setting) performed approximately .6 standard deviations higher on standardized measures of reading achievement than children receiving services in the self-contained setting (a more intensive setting). Further research has supported the claim that children receiving special education services perform lower than their classmates not receiving special

education services and are also more likely to drop out of high school (Aron & Loprest, 2012).

### **Graduation Rates**

Data has suggested that children diagnosed with a disability are less likely to receive a regular high school diploma than children without a diagnosis (Aron & Loprest, 2012). More specific data has concluded that students with emotional and behavioral disorders have an increased rate of dropping out of school and not receiving a high school diploma (Zablocki & Krezmien, 2013). Zablocki and Krezmien also found that students who had been retained in a grade or had lower than average grades were less likely to receive a high school diploma. Goodman and colleagues (2011) examined the school records of 67,749 students in Georgia over a six-year period. Their results suggested that students with a mild disability, such as specific learning disability, had a less than 30% chance of receiving a high school diploma compared to children without a disability. Smith, Manuel, and Stokes (2012) examined the graduation rates of children with and without disabilities in twelve southern states and found that children without disabilities were more likely to graduate from high school than their peers with disabilities. In addition, children with emotional disturbances were the least likely to receive a regular high school diploma.

Overrepresentation is an imperative issue due to the potential negative implications of receiving special education services, which include low academic achievement (Aron & Loprest, 2012; Bussing et al., 2012; Shin et al., 2013; Signor-Buhl et al., 2005) and a decreased likelihood of high school graduation (Aron & Loprest, 2012; Goodman et al., 2011, Zablock & Krezmien, 2013). Other reasons why

overrepresentation may be a problem include the lowered teacher expectations for these students (Aron & Loprest, 2012; Ferri & Connor, 2005) and lowered student self-esteems (Conley, Ghavami, VonOhlen, & Foulkes, 2007; Gans, Kenny, & Ghany, 2003) of special education students. In addition to the negative consequences of receiving special education services, racially and ethnically diverse students are (1) more likely to demonstrate significant achievement gaps between themselves and more economically advantaged groups, such as whites and Asian Americans (Kao & Thompson, 2003) and (2) less likely to complete high school (Tyler & Lofstrom, 2009). Even though the goal of special education is to benefit children academically, it is unfortunate that receiving special education services can be detrimental to academic performance and high school graduation. Based on the potential negative consequences of receiving special education services and being a racially diverse student, it can be argued that the primary reason special education disproportionality needs to be addressed is the negative consequences associated with being misidentified with a disability.

### **Factors that have Influenced Overrepresentation**

Data has indicated that several racial and ethnic groups are overrepresented in high-incidence special education categories, such as intellectual disabilities, behavior or emotional disabilities, specific learning disabilities, and developmental delays (Sullivan & Artiles, 2011). These groups include African American (Ferri & Connor, 2005; Losen & Orfield, 2002), Native American (Gritzmacher & Gritzmacher, 2010), and Latino students (Artiles et al., 2002; Ford, 2010; Office for Civil Rights, 2006). It is critical to know the factors that contribute to this overrepresentation in order to promote reform and change (Ford, Grantham, & Whiting, 2008). Research has highlighted two primary

contributing factors, which include (1) cultural differences among students, families, and teachers, and (2) inappropriate assessment and interpretation practices during the referral and eligibility determination stages (Arnold & Lassmann, 2003; Cartledge, Gardner, & Ford, 2008; Ford, 2012; Ford et al., 2008; Guiberson, 2009; Harry, 2002; Harry, 2008; Marston, Muyskens, Lau, & Canter, 2003; Santelices & Wilson, 2010; Trent, Kea, & Oh, 2008; Valencia, 2010).

### **Cultural Differences**

Cultural differences among students, families, and teachers are a contributing factor to a minority group being over referred for testing to determine special education eligibility (Cartledge et al., 2008; Ford, 2012; Harry, 2002; Harry, 2008; Trent et al., 2008; Valencia, 2010). Cultural differences may relate to (1) race and ethnicity, (2) language, (3) values, beliefs, attitudes, and (4) economic status. Research has specifically highlighted the negative impact of these cultural differences between white teachers and their racially, ethnically, and linguistically diverse students (Ford, 2012). White teachers often have low expectations for minority students, more frequently refer them for psychoeducational assessments, and are more likely to support special education placement for them than for their nonminority peers (Ford, 2012).

**Race and ethnicity.** In regards to race and ethnicity, children from different ethnic backgrounds and of different races from their teachers and the majority school population, tend to be over-referred for special education assessment and placed in special education programs (Ford et al., 2008; Jenkins, 2005). They also tend to be underrepresented in gifted education programs.

**Language.** When referring a student for special education assessment and deciding upon a student's eligibility for special education services, it is important to take into account the student's language development (Ford, 2012). Research has suggested that sometimes teachers and other school staff have little patience for students who are not yet proficient in English and as a result, are more likely to refer these students for special education assessment (Seymour, 2004). In addition, when referring a student for special education assessment, it is first important to consider if a language developmental concern exists in the student's primary language, before referring for a language developmental concern in the student's secondary language; this pertains only to minority students whose primary language is not English, such as English-second language (ESL) learners (Ortiz, 2008). Recent researchers examined the pre-referral and placement decisions for 19 students with limited English proficiency (Klingner & Harry, 2006). Their study emphasized the role language plays in special education referral and placement decisions, such that often educators (1) misinterpret children with limited English proficiency as having low intelligence, (2) misinterpret children with limited English proficiency as having a language or learning disability, (3) are confused about the appropriate timeframe for second-language acquisition and as a result, do not know when to refer for assessment, (4) overly rely on assessment scores and not observations or proficiency in primary language to make a placement decision, (5) have a lack of meaningful pre-referral strategies for students with limited English proficiency, and (6) use inadequate translation services to assess students' language development in their primary language. In another study, it was discovered that 10% of a 21 student sample group from Texas who spoke both English and Spanish and received special education



services for a specific learning disability had learning difficulties most likely due to their cultural and linguistic backgrounds, rather than from a “true” specific learning disability (Wilkinson, Ortiz, Robertson, & Kushner, 2006).

**Values, beliefs, and attitudes.** Values, beliefs, and attitudes in regards to minority students are debatably the primary contributing factor to minority overrepresentation in special education programs (Ford, 2012; Ford et al., 2008; Garcia & Guerra, 2004; Trent et al., 2008; Valencia, 2010). As previously stated, white teachers frequently set low expectations for their racially, ethnically, and linguistically diverse students. As a result, teachers, who are typically white, tend to refer racially, ethnically, and linguistically diverse students for special education services more often than they referred these minority students for academically gifted services (Ford et al., 2008). It is also a common misconception that all minority children have the same academic concerns and needs, and as a result, minority children are treated as a homogenous group (Ford, 2012). From this, stems the incorrect belief that all minority children struggle academically. Another study discovered that often teachers attribute the low academic performance of minority students to the economic status of the students’ families and communities rather than as a function of academic instruction or academic environment (Lynn, Bacon, Totten, Bridges III, & Jennings, 2010).

**Economic status.** It is a challenge to demonstrate a positive correlation between low economic status and the overrepresentation of minorities in special education due to the fact that often a family’s economic status is not recorded after a special education referral or placement decision is made (Fletcher & Navarrete, 2003). However, one study examined the socioeconomic statuses (SES) of children identified with a learning

disability and discovered that the overidentification of African American and Hispanic students diagnosed with a learning disability could be contributed to by the lower SES of these two minority groups. Often it is too difficult to differentiate the impact of race on academic performance and special education referral and placement versus the impact of socioeconomic status due to the fact that these two variables often coincide (Aud et al., 2010; Joyner & Marsh, 2011). For example, recent education research has suggested that approximately 40% of African American and Latino students attend low SES elementary schools compared to only 5% of white students attending such schools.

### **Inappropriate Assessment and Interpretation Practices**

Research has highlighted the inappropriateness of some assessment practices, which have a strong influence in special education eligibility determination decisions (Ford, 2012; Ford et al., 2008; Klotz & Canter, 2006; Santelices & Wilson, 2010; Trent et al., 2008; Valencia, 2010). Some argue that assessment instruments are typically narrow in their measure of intelligence. In regards to minority students with limited English proficiency, research has suggested that nonverbal tests of intelligence and tests administered in students' native language are typically the better instruments for measuring intelligence in ethnically, racially, and linguistically diverse students (Flanagan & Ortiz, 2001; Ford et al., 2008; Naglieri & Ford, 2003; Naglieri & Ford, 2005; Ortiz, 2008). Some believe that assessment instruments are biased in their measure of minority students' cognitive abilities and have culturally loaded questions (Ford et al., 2008; Lau & Blatchley, 2009); however, others believe that assessment instruments are not biased and that the major flaw in administering standardized assessments to minority

students lies within the interpretation phase (Chu & Flores, 2011; Erwin & Worrell, 2012; Klotz & Canter, 2006).

Those who believe that assessment instruments are biased note two key variables that contribute to biased assessment instruments: (1) assessments typically measure only a few areas of intelligence and achievement and do not take into account that most children possess cognitive strengths in some domain and (2) most assessments have culturally loaded tasks and questions (Ford et al., 2008). Even though intelligence is a broad concept, cognitive and psychological assessments typically only measure a few areas of intelligence and require the use of limited learning styles to complete assessments on an age-appropriate level (Ford et al., 2008). For example, different cultures use different verbal and nonverbal language skills (Sattler, 2001). Some African American students speak a variant of English deemed “Black English” or “Ebonics.” These students, as a result of their unique verbal language skills, may perform lower on assessments with strong verbal components that require specific responses. Some assessments require the examiner to sit beside or across from the examinee. However, this could potentially make some examinees feel uncomfortable. For example, some Chinese students are uncomfortable in face-to-face seating arrangements. As a result, anxiety and a general level of feeling uncomfortable might influence a Chinese student’s performance on an assessment that requires a face-to-face seating arrangement between the examinee and the examiner.

Like the previous examples, some studies have demonstrated that culture has a significant impact on children’s intelligence and that some assessments do not capture minority students’ true cognitive ability (Fletcher-Janzen & Ortiz, 2006; Prifitera,

Saklofske, & Weiss, 2008). In addition, some tests, such as the WISC-IV psychological assessment, have culturally-loaded questions and tasks because they are developed to reflect the values and beliefs of the culture for the majority culture (Lau & Blatchley, 2009). As a result of biased assessments, it is important to not rely on assessment measures for special education determination. Instead, it is important to perform extensive assessments in the student's native language in addition to intensive instructional interventions and assessments, teacher/parent/student interviews, observations, language proficiency screenings, and a background history.

Those who do not believe that assessment instruments contribute to disproportionality, attribute the overrepresentation of minority students to other factors such as the achievement gap (Erwin & Worrell, 2012), an overreliance on assessment scores by the Individualized Education Plan (IEP) team (Chu & Flores, 2011; Klotz & Canter, 2006), or racial bias and/or a lack of cultural competence among the IEP team members (Moreno & Gaytán, 2012; Sullivan, 2011). Colleagues Klingner and Harry (2006) noted that minority disproportionality in special education could be contributed to the pre-referral team, more specifically inappropriate pre-referral strategies that led to special education referral. As part of their study, Klingner and Harry observed Child Study Team (CST) meetings for 19 minority students; CST is a pre-referral problem-solving approach similar to RtI. During the CST meetings, the researchers noted that the team did not pay enough attention to the appropriateness of the pre-referral strategies, but instead, pushed for special education evaluation rather than evaluating the appropriateness of the pre-referral intervention(s).

### **Attempts to Address Overrepresentation**

There have been several successful attempts to address minority overrepresentation in special education programs, including effective problem-solving team approaches (Ciolfi & Ryan, 2011; Gravois & Rosenfield, 2006; Marston et al., 2003; Proctor, Graves, & Esch, 2012; Riley, 2009; Riley, 2011), culturally sensitive and responsive teaching techniques and curriculums (Griner & Stewart, 2013; Klingner et al., 2005), and parent/school/community partnerships (National Education Association, 2007).

### **School-Based Problem Solving Teams**

The Individuals with Disabilities Education Act (IDEA) is a U.S. Department of Education policy that ensures academic equality for all students (U.S. Department of Education, 2004). Its provisions include that all children, despite racial and ethnic diversity, receive an equal and appropriate education. IDEA provisions require that all states have effective policies and procedures to ensure that all children with disabilities are identified, evaluated, and provided appropriate services (U.S. Department of Education, 2004). It is critical that children with disabilities are identified and evaluated in a timely manner. Response to Intervention (RtI) is an evidence-based problem solving team approach that provides equal and appropriate support to all students within a school. The RtI approach involves three tiers that address school-wide to individual students' specific academic and behavioral needs. After a child has received intensive three tier interventions, a team decision can be made to refer a child for an evaluation to determine special education eligibility. Appropriate special education referral is not based on or influenced by diverse ethnic or racial variables, but rather is a team decision based on students' academic needs. Like appropriate special education referral, appropriate special

education placement is based on academic need(s) and should not be influenced by demographic variables, such as students' diverse ethnic and racial characteristics.

Gravois and Rosenfield (2006) implemented instructional consultation teams (ICT), which are a team problem solving approach similar to RtI teams, in 13 schools and over a two-year span compared referral and placement data to nine comparison schools. Results from the study demonstrated significant decreases in the risk of minority students being inappropriately referred and placed in special education programs. Other studies have further supported the benefits of RtI or another problem-solving team approach in reducing disproportionality in special education (Ciolfi & Ryan, 2011; Marston, Muyskens, Lau, & Canter, 2003; Proctor, Graves, & Esch, 2012; Riley, 2009; Riley, 2011). Marston and colleagues (2003) examined the effects of a problem-solving team approach in Minneapolis Public Schools over a period of four years. Their results suggested that from the first to the fourth year of implementation of the problem-solving team approach, there were significant decreases in African American students being referred, evaluated for, and placed in special education.

### **Culturally Responsive Teaching and Curriculums**

In addition to effective school-based problem-solving teams, culturally responsive teaching and curriculums are also effective in reducing and eliminating special education disproportionality. Researchers who presented at the National Center for Culturally Responsive Educational Systems (NCCRESt), which provides assistance to states and local educational agencies (LEAs) that have a significantly high rate of special education disproportionality, concluded that many school districts that serve culturally and linguistically diverse students have teaching practices and curriculums that are not

culturally responsive (Klingner et al., 2005). The researchers' belief was that special education disproportionality can be addressed by providing culturally responsive and evidence-based interventions and school-wide improvements, which will help narrow the achievement gap that exists between culturally and linguistically diverse students and their peers. Ladson-Billings (1994) gave examples of culturally-responsive teaching, which included: teaching students to work collaboratively, encouraging critical thinking, actively engaging children in the curriculum, setting the same high standards for all students, frequent communication between parents and teachers regarding students' academic achievement, creating an academic environment that welcomes different cultures, and encouraging children to create their unique self-identity.

### **Parent/School/Community Partnerships**

The National Education Association (2007) provided an example of a public school system in Fairbanks, Alaska that created a parent/family/community committee that encouraged parent and community involvement in the district's schools to monitor issues, such as achievement gaps and special education disproportionality. After ten years of implementing the committee, the number of race-based complaints in the school system was significantly reduced. The Council for Exceptional Children highlighted the benefit of parental involvement during the pre-referral stage that occurs prior to special education placement (Council for Exceptional Children, 2002). They stated that parents can share relevant information about their child's culture and can help implement interventions at home to promote the generalization of skills.

## **Wayne County, NC Public School System**

### **Demographics**

Wayne County is primarily a rural county with the exception of Goldsboro, its only city (Joyner & Marsh, 2011). According to Wayne County Public Schools' 2013 annual report, Wayne County is the 20<sup>th</sup> largest school district in the state (Wayne County Public Schools, 2013). Wayne County serves approximately 19,468 children. The student population is composed of .17% American Indian, .10% Hawaiian Pacific, 1.04% Asian, 17.84% Hispanic, 34.55% African American, 40.85% white, and 5.44% multi-racial. In the schools, there are approximately 30 different languages spoken and 63% of students receive a free or reduced-in-price lunch. Wayne County is also home to the Seymour Johnson Air Force Base in Goldsboro, NC; it is estimated that over 2,000 military students attend a Wayne County Public School. The racial composition of the students receiving special education services should match the racial composition of all students attending a Wayne County Public School.

### **Racial Discrimination in Wayne County Public Schools**

This study focused on the racial composition of students from Wayne County, North Carolina who receive exceptional children's (EC) services; the EC program of Wayne County, NC provides special education services to children with academic needs. Even though our study examined the racial composition of students receiving EC services, it is important to highlight the racial issues that have plagued Wayne County and more specifically, Wayne County's Public School system. In 2009, the National Association for the Advancement of Colored People (NAACP) filed a complaint against the Wayne County, NC Public School system (Barber II, 2009; Charbonneau, 2011; National Association for the Advancement of Colored People, 2009). The NAACP's complaint was due to the school system's school district lines, which determined the



schools that students in Wayne County attended. The NAACP stated that the school district lines tended to segregate African American and other students of color from their white classmates and as a result, minority students were not provided transportation to higher-performing schools within Wayne County that had higher graduation rates and more highly-qualified teachers. As a result of the school district lines and other racially-segregating practices, the NAACP accused Wayne County Public Schools of actions that have and will continue to result in higher high school drop out rates, suspension rates, harsher discipline, lower grade point averages, lower college entrance rates, lower college ambition rates, and lower gifted and talented participation by African American students and other students of color. In addition, the NAACP accused Wayne County of placing students of color in self-contained classrooms at a higher rate than white students.

The NAACP continued to note that Wayne County had two distinct racial districts: the Goldsboro City “Black” District, which was composed of 99.9% African American students, and the largest Wayne County school district, which was predominately white (90%) students; both districts are located within Wayne County (Barber II, 2009). The Wayne County School Board is aware of the “Black District” and has refused to re-district the 50-year old school district line maps. The NAACP also accused Wayne County Public Schools of withholding Title I funding from the “Black District” since the 2002-2003 school year, even though the majority of students attending schools in the “Black District” were from economically disadvantaged households. Due to the allegations, the NAACP charged Wayne County Public Schools of violating the No Child Left Behind Act (2002) stating that the Wayne County School Board did not provide students with the opportunities to transfer to a better performing school, the right

to know the qualifications of teachers, and the right to receive tutoring services. A case study published in 2011, elaborated upon the racial segregation that still exists in Wayne County's public school system (Joyner & Marsh, 2011). Based on data they analyzed from the National Center for Education Statistics (2010) and Private Schools Report (2005), the researchers suggested that almost half of Wayne County's high school students attended highly segregated school. The researchers gave the example that in the 2008-2009 school year, Goldsboro High School's racial composition was 98% African American and 86% of the students were from a low-income home environment.

The significant segregation in Wayne County was hypothesized to be the result of the school board's attendance zones and district lines (Joyner & Marsh, 2011). To test their hypothesis, the researchers examined the school attendance zones and district lines and discovered that even though Goldsboro City is only 52% African American, Goldsboro High School, the primary "neighborhood" school in Goldsboro City, is almost completely composed of African American students. Wayne County Public Schools does allow students to transfer to different schools within the county; however, students must provide their own transportation to the schools of their choice. Students from low-income homes, which include many of the students in the Goldsboro High School area, struggle to afford the transportation to a different school. Even though children living on Seymour Johnson's Air Force base are closer in proximity to schools within the Goldsboro High School zone, they are excluded from the Goldsboro High School area lines. To reverse the act of segregation at Goldsboro High School, the researchers proposed transforming Goldsboro High School into a magnet school or redrawing the school attendance zones. As a result of the highly segregated Goldsboro High School, Wayne County is considered

to be one of the most segregated school counties in the state of North Carolina (Clotfelter, Ladd, & Vigdor, 2002; Dewitt, 2010).

### **Why Wayne County Public Schools' Racial Segregation is Worth Studying**

Even though several studies, such as the ones mentioned in the previous paragraph, have elaborated upon the racial segregation in Wayne County's public school system and stated the potential negative academic implications of racially segregating students, they have not examined the potential overrepresentation of minorities in Wayne County's special education program. It is important to study this issue when considering the fact that despite the allegations of racially segregating school district lines, the Wayne County school board has not corrected the issue by redrawing new district lines. In addition, through informal observations it has been noted that some teachers do not consider the impact language barriers have on students' academic performances. As a result, it is important to thoroughly examine the racial composition of students receiving special education services to promote reform if an overrepresentation exists and hopefully minimize the racial tension in Wayne County's public school system.

### **Statement of the Problem**

Racial issues in Wayne County Public Schools are concerns that need to be immediately addressed. Even though there are multiple racial issues, our study focused solely on the possibility of overrepresentation of minorities receiving special education services in Wayne County Public Schools due to national and state concerns of minority overrepresentation in special education programs and the negative implications of receiving unwarranted special education services (Aron & Loprest, 2012; Barber II, 2009; Davis, 2005; Fletcher & Navarrete, 2003; Gritzmacher & Gritzmacher, 2010;

Zhang & Katsiyannis, 2002). This study analyzed the racial composition of students receiving exceptional children's services in Wayne County, NC in comparison to the racial composition of the entire Wayne County, NC public school student population. We hypothesized that the racial issues evident in the larger school system would also be evident in the overrepresentation of African Americans in high-incidence categories (mild and moderate intellectual disabilities, specific learning disabilities, and serious emotional disturbance). The goal of the study was to provide a helpful resource to Wayne County Public School administrators for looking at racial inequities in the exceptional children's program, which might highlight the need for exceptional children's program referral and placement to be closely examined to meet the needs of all students regardless of race.

## CHAPTER II: METHODOLOGY

### Participants

Archival data from *SpecialEd- Periodic Count Primary Active Student List* collected on the Comprehensive Exceptional Children Accountability System (CECAS) for the December Child Count in 2012, 2011, and 2010 were used to examine differences in special education eligibility based on race. Researchers examined the number of students in the following racial categories receiving special education services from December 2010 to 2012: American Indian or Alaska Native, Asian, Black or African American, Hispanic Latino, more than one racial identities, and white and their special education eligibility in the following categories: social-emotional disability (SED), mild intellectual disability (IDMI), moderate intellectual disability (IDMO), severe intellectual disability (IDSE), specific learning disability (SLD), and other health impairment (OHI). The archival data reported the racial category of 1,799 students in 2010, 1,824 students in 2011, and 1,785 students in 2012. Therefore, this study examined the racial and eligibility categories of 5,408 students (ages 6-21) receiving special education services in a Wayne County Public School in the past three years and compared the percentage of each racial category represented to the percentage of each racial category in the entire school system (gathered from WCPS annual report) to determine if an overrepresentation of minority students receiving special education services existed and examined the percentage of minority students in the selected eligibility categories to determine any overrepresentation of minority students in these categories. Overrepresentation was examined relative to the population of each minority group in Wayne County rather than national percentages of each minority group.

### **Materials**

The materials needed for this study included the December 2010 through December 2012 Child Count data, which had already been collected. The Child Count data is gathered every December via special education teacher input in the CECAS online computer program. When December approaches, special education teachers count the number of students they serve in the regular, resource, and self-contained setting and the demographic information of each of their students and input this data onto CECAS by the first of December each year. The data collected for the purpose of this study included the number of students in each racial category receiving special education services by the first of December Child Count and their eligibility category. No confidential information was included in the accessed Child Count data. Data was collected by a statistician from the North Carolina Department of Public Instruction.

### **Procedures**

Permission to conduct the study was obtained from the participating school system and through the IRB Approval process at Western Carolina University. The IRB Approval Committee at Western Carolina University reviewed the study's hypothesis and proposed methods and issued an IRB exemption letter.

### **Data Analysis**

To analyze the data, chi square-goodness of fit tests were performed to determine if the racial composition of students receiving special education services was the same as or different than the racial composition of students attending a Wayne County Public School across each category of special education. To perform the chi square-goodness of fit tests, the independent variable was race and the dependent variable was special

education categorization. Expected counts were based on the percentage of a given ethnic group (e.g., African Americans comprised 34.55% of students in Wayne County, so the researchers expected to find the observed value to not be significantly different than 34.55% for any special education category) in the Wayne County public school system. The racial composition of students in Wayne County has remained fairly consistent for the past three years. See Table 1 for percentage of students in Wayne County by ethnic group:

Table 1

*Ethnic Composition of Entire WCPS Student Population*

AFRICAN AMERICAN	34.55%
AMERICAN INDIAN	.17%
ASIAN	1.04%
HISPANIC	17.84%
TWO OR MORE RACES	5.44%
WHITE	40.85%

*Note.* According to the WCPS 2013 Annual Report

## CHAPTER III: RESULTS

### Serious Emotional Disturbance

According to North Carolina's *Policies Governing Services for Children with Disabilities*, the category of serious emotional disturbance (SED) includes children who exhibit "one or more of the following characteristics over a long period of time and to a marked degree that adversely affects" academic performance: "(A) An inability to make educational progress that cannot be explained by intellectual, sensory, or health factors, (B) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers, (C) inappropriate types of behavior or feelings under normal circumstances, (D) a general pervasive mood of unhappiness or depression, and (E) a tendency to develop physical symptoms or fears associated with personal or school problems" (North Carolina Department of Public Instruction, 2010, p. 3). The special education category of SED also includes children with schizophrenia, but does not apply to children labeled as socially maladjusted, unless they meet one or more of the five SED characteristics listed above. Results revealed a statistically significant difference [ $\chi^2 (5, N=151) = 64.652, p < .0001$ ] between observed values and expected values for the category of SED based on race. Table 2 includes observed percentages by race collapsed across three years of CECAS data.



Table 2

*Percentage of Students Classified with a Serious Emotional Disturbance Based on Race*

Ethnic Group	N	Expected Percentage	Observed Percentage
African American	97	34.55	64.24
American Indian	0	.17	0.00
Asian	0	1.04	0.00
Hispanic	5	17.84	3.31
Two or More Races	5	5.44	3.31
White	44	40.85	29.14

### **Mild Intellectual Disability**

According to North Carolina's *Policies Governing Services for Children with Disabilities*, a child with a mild intellectual disability (IDMI) demonstrates (1) intellectual functioning at least two standard deviations below the mean plus or minus the standard error of measure that has an adverse effect on academic performance and (2) deficits in adaptive behavior less than two standard deviations in one adaptive behavior domain or one and one-half standard deviations below in multiple domains that became evident during the period of development (North Carolina Department of Public Instruction, 2010, pp. 4, 68). Results revealed a statistically significant difference [ $\chi^2$  (5, N=942) = 976.06,  $p < .0001$ ] between observed values and expected values for the category of mild intellectual disability based on race. Table 3 includes observed percentages by race collapsed across three years of CECAS data.

Table 3

*Percentage of Students Classified with a Mild Intellectual Disability Based on Race*

Ethnic Group	N	Expected Percentage	Observed Percentage
African American	687	34.55	72.93
American Indian	0	.17	0.00
Asian	0	1.04	0.00
Hispanic	84	17.84	8.92
Two or More Races	22	5.44	2.34
White	149	40.85	15.82

### **Moderate Intellectual Disability**

According to North Carolina's *Policies Governing Services for Children with Disabilities*, a child with a moderate intellectual disability (IDMO) demonstrates (1) intellectual functioning at least three standard deviations below the mean plus or minus the standard error of measure that has an adverse effect on academic performance and (2) deficits in adaptive behavior less than two standard deviations in one adaptive behavior domain or one and one-half standard deviations below in multiple domains that became evident during the period of development (North Carolina Department of Public Instruction, 2010, pp. 4, 68). Results revealed a statistically significant difference [ $\chi^2$  (5, N=201) = 62.18,  $p < .0001$ ] between observed values and expected values for the category of moderate intellectual disability based on race. Table 4 includes observed percentages by race collapsed across three years of CECAS data.

Table 4

*Percentage of Students Classified with a Moderate Intellectual Disability Based on Race*

Ethnic Group	N	Expected Percentage	Observed Percentage
African American	119	34.55	59.20
American Indian	0	.17	0.00
Asian	0	1.04	0.00
Hispanic	32	17.84	15.92
Two or More Races	0	5.44	0.00
White	50	40.85	24.88

### **Severe Intellectual Disability**

According to North Carolina's *Policies Governing Services for Children with Disabilities*, a child with a severe intellectual disability (IDSE) demonstrates (1) intellectual functioning at four or more standard deviations below the mean plus or minus the standard error of measure that has an adverse effect on academic performance and (2) deficits in adaptive behavior less than two standard deviations in one adaptive behavior domain or one and one-half standard deviations below in multiple domains that became evident during the period of development (North Carolina Department of Public Instruction, 2010, pp. 4, 68). Results revealed a statistically significant difference [ $\chi^2$  (5, N=15) = 28.44,  $p < .0001$ ] between observed values and expected values for the category of severe intellectual disability. Table 5 includes observed percentages by race collapsed across three years of CECAS data.

Table 5

*Percentage of Students Classified with a Severe Intellectual Disability Based on Race*

Ethnic Group	N	Expected Percentage	Observed Percentage
African American	15	34.55	100
American Indian	0	.17	0.00
Asian	0	1.04	0.00
Hispanic	0	17.84	0.00
Two or More Races	0	5.44	0.00
White	0	40.85	0.00

### **Specific Learning Disability**

According to North Carolina's *Policies Governing Services for Children with Disabilities* the category of specific learning disability (SLD) is applied to children with "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the impaired ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia" (North Carolina Department of Public Instruction, 2010, pp. 4). The category of SLD "does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of serious emotional disturbance, or of environmental, cultural, or economic disadvantage." Results revealed a statistically significant difference [ $\chi^2$  (5, N=2,779) = 74.40,  $p < .0001$ ] between observed values and expected values for the category of specific learning disability based

on race. Table 6 includes observed percentages by race collapsed across three years of CECAS data.

Table 6

*Percentage of Students Classified with a Specific Learning Disability Based on Race*

Ethnic Group	N	Expected Percentage	Observed Percentage
African American	1,138	34.55	40.95
American Indian	0	.17	0.00
Asian	5	1.04	.18
Hispanic	419	17.84	15.08
Two or More Races	134	5.44	4.82
White	1,083	40.85	38.97

**Other Health Impairment**

According to North Carolina's *Policies Governing Services for Children with Disabilities* (2008) the category of other health impairment (OHI) is applied to children with "limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment" (North Carolina Department of Public Instruction, 2010, pp. 4). In addition, the OHI "is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Syndrome, etc. and adversely affects...educational performance." Results revealed a statistically significant difference [ $\chi^2$  (5, N=1,260) = 137.49,  $p < .0001$ ]

between observed values and expected values for the category of other health impairment based on race. Table 7 includes observed percentages by race collapsed across three years of CECAS data.

Table 7

*Percentage of Students Classified with Other Health Impairment Based on Race*

Ethnic Group	N	Expected Percentage	Observed Percentage
African American	466	34.55	36.98
American Indian	0	.17	0.00
Asian	0	1.04	0.00
Hispanic	81	17.84	6.43
Two or More Races	88	5.44	6.98
White	625	40.85	49.60

## CHAPTER IV: DISCUSSION

Special education disproportionality in the United States has been well documented by research for several decades (Cartledge, 2005; Dunn, 1968; Fiedler et al., 2008; Skiba et al., 2008; Taylor, 2005; Wright & Santa Cruz, 1983; Zhang & Katsiyannis, 2002). Based on current federal and state legislation, (1) all children should receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE), (2) eligibility determination decisions should be based on a wide variety of data, (3) identified disabilities should not be the result of cultural, environmental, or economic factors, (4) and states and local educational agencies (LEAs) should prevent, monitor, and address any issues of minority overrepresentation in special education (Americans with Disabilities Act, 2011; North Carolina Department of Public Instruction, 2010; Office for Civil Rights, 2000; Office for Civil Rights, 2010; U.S. Department of Education, 2007). Unfortunately, despite the legislation, segregation in the public school system has persisted and several court cases have highlighted the overrepresentation of minority students in special education, specifically African American students in the educable mentally retarded (EMR) category (Reynolds & Fletcher-Janzen, 2007; Sacks, 2001; Segall & Wilson, 2004; Thompson, 2004).

Research has suggested that racially and ethnically diverse students are typically overrepresented in special education, more specifically high-incidence special education categories (mild to moderate intellectual disabilities, behavior and emotional disturbances, and learning disabilities), and underrepresented in academically gifted and advanced placement programs (Arnold & Lassmann, 2003; Corra et al., 2011; Donovan & Cross, 2002; Yoon & Gentry, 2009). However, this is not observed in all minority

groups (Office of Special Education Programs, 2008). African American (Ford, 2012; Office for Civil Rights, 2006; Office of Special Education Programs, 2008), Hispanic (Ford, 2010; Office for Civil Rights, 2006; Office of Special Education Programs, 2008), and Native American students (Ford, 2012; Gritzmacher & Gritzmacher, 2010; Office for Civil Rights, 2006) are typically the most overrepresented minority groups in special education programs; Asian American students are typically underrepresented in special education programs (Losen & Orfield, 2002; Poon-McBrayer & Garcia, 2000). Even though special education is a nationwide concern, some have suggested that it is more of an issue in the southern region of the United States, which includes North Carolina (Ferri & Connor, 2005).

Special education disproportionality is an important issue for the following reasons: (1) students who are placed in special education have lowered academic achievement (Aron & Loprest, 2012; Bussing et al., 2012; Shin et al., 2006), (2) students who are placed in special education are less likely to receive a high school diploma (Aron & Loprest, 2012; Goodman et al., 2011; Zablock & Krezmien, 2013), (3) students who are placed in special education are subject to lowered teacher expectations (Aron & Loprest, 2012; Ferri & Connor, 2005), and (4) students who are in special education experience lowered academic self-esteem (Conley et al., 2007; Gans et al., 2003). Research has suggested that special education disproportionality is influenced by (1) cultural differences, such as race and ethnicity (Ford et al., 2008; Jenkins, 2005), language (Klingner & Harry, 2006; Ortiz, 2008; Seymour, 2004), values, beliefs, and attitudes (Ford, 2012; Ford et al., 2008; Garcia & Guerra, 2004; Trent et al., 2008; Valencia, 2010), economic status (Aud et al., 2010; Fletcher & Navarrete, 2010; Joyner



& Marsh, 2011), (2) and inappropriate assessment and/or interpretation practices (Chu & Flores, 2011; Erwin & Worrell, 2012; Ford et al., 2008; Klotz & Canter, 2006; Lau & Blatchley, 2009).

To address the overrepresentation of minorities in special education, initiatives such as (1) the implementation of school-based problem solving teams (Ciolfi & Ryan, 2011; Grovois & Rosenfield, 2006; Marston et al., 2003; Proctor et al., 2012; Riley, 2009; Riley, 2011), (2) using culturally responsive teaching and curriculums (Klingner et al., 2005; Ladson-Billings, 1994), and (3) parent/school/community partnerships (Council for Exceptional Children, 2002) have shown to be effective in decreasing a school system's amount of race-based complaints and reducing/eliminating special education disproportionality.

The current study examined special education disproportionality in Wayne County, North Carolina due to persistent allegations of racially segregating practices, specifically segregating school district/area lines and due to the fact that no studies have previously examined other racially segregating issues, such as the overrepresentation of minorities in special education in Wayne County's public schools (Barber II, 2009; Charbonneau, 2011; Joyner & Marsh, 2011; NAACP, 2009). To determine if an overrepresentation of minorities in special education existed, the study analyzed the racial composition of students receiving exceptional children's (EC) services, otherwise known as special education services, and their eligibility category to the racial composition of the entire Wayne County public school (WCPS) student population.

The current study expected to find significant overrepresentations of African Americans in high-incidence categories of special education, as a result of the 2006 OCR

report and recent data that suggested that in North Carolina, approximately 35% of students that received special education services were African American, even though African American students only represented 30% of the public school student population (Office for Civil Rights, 2006; Zorigian & Job, 2009). In regards to the Hispanic American minority group, the 2006 OCR report indicated that Hispanic Americans represented 20.41% of the public school student population and were slightly underrepresented in the intellectual disability, behavior or emotional disability, and developmentally delayed special education categories; they were slightly overrepresented in the specific learning disability category (Ford, 2010; Office for Civil Rights, 2006). As a result, the current study expected to find Hispanic students slightly overrepresented in the specific learning disability category and underrepresented in the remaining high-incidence categories. Asian American students are typically underrepresented in special education programs (Losen & Orfield, 2002; Poon-McBrayer & Garcia, 2000) and as a result, the current study expected to find this population of students underrepresented in the analyzed high-incidence categories. The OCR report (2006) indicated that Native American students are overrepresented in the following high-incidence categories: intellectual disabilities, behavioral or emotional disabilities, specific learning disabilities, and developmental delays (Ford, 2012; Office for Civil Rights, 2006). The current study expected to find similar results for the small percentage of Native American students in Wayne County.

## **Hypothesis Testing**

### **Serious Emotional Disability**

In the SED special education category, there was a statistically significant difference between observed values and expected values based on race, such that African Americans were overrepresented (64.24% in the SED category compared to 34.55% in the WCPS student population) and every other racial group was underrepresented.

This finding supports the current research that suggests that African American students are approximately 2.28 times more likely to receive services for an emotional disturbance (Office of Special Education Programs, 2008) and two times as likely to be identified with a behavioral-emotional disability (Ferri & Connor, 2005; Losen & Orfield, 2002). Based on our data analysis, African American students in Wayne County are almost two times as likely to be identified with a behavioral-emotional disability and to be placed in the SED category while every other racial group is underrepresented in the SED category in the country.

National data on the overrepresentation of African American students in this category suggest that even though African American students represent 17.13% of the public school student population in the United States, 28.91% of students in this population are identified as having a behavioral or emotional disturbance (Ford, 2012; Office for Civil Rights, 2006). In our study, African American students accounted for 64% of the students classified in this category. This is more than double the overrepresentation identified in national data.

Research has found that Hispanics and Asian American students are typically underrepresented in behavior or emotional disability categories (Ford, 2010; Office for Civil Rights, 2006; Office of Special Education Programs, 2008), which was consistent with the Wayne County data used in this analysis. However, the results from our data

analysis contradicted the research that suggests that Native American students are typically overrepresented in behavioral or emotional disability categories (Ford 2012; Office for Civil Rights, 2006). That said, the representation of Native American students in Wayne County is .17% of the total student population.

### **Mild Intellectual Disability**

In the IDMI special education category, there was a statistically significant difference between observed values and expected values based on race, such that African American students were overrepresented (72.93% in the IDMI category compared to 34.55% in the WCPS student population) and the remaining racial groups, American Indian (0% in the IDMI category v. .17% in the WCPS student population), Asian (0% in the IDMI category v. 1.04% in the WCPS student population) Hispanic (8.92% in the IDMI category v. 17.84% in the WCPS student population), white (15.82% in the IDMI category v. 40.85% in the WCPS student population), and multi-racial (2.34% in the IDMI category v. 5.44% in the WCPS student population), were underrepresented.

The derived results, suggesting the overrepresentation of African American students in Wayne County in the mild intellectual disability category, were consistent with the current research that concludes that African American students are 2.75 to 3 times more likely to receive special education services for an intellectual disability (Ferri & Connor, 2005; Losen & Orfield, 2002; Office of Special Education Programs, 2008); in Wayne County, African Americans were 2.11 times more likely to receive services for a mild intellectual disability. However, national data suggests that African Americans are overrepresented in this category, accounting for 32.01% of students identified as having an intellectual disability (Ford, 2012; Office for Civil Rights, 2006). In Wayne County,

the overrepresentation data indicates that over 72% of the children in the IDMI category are African American.

In addition, the results suggesting the underrepresentation of Hispanics in the IDMI category in Wayne County were consistent with the Office for Civil Rights (2006) report that Hispanic Americans tend to be underrepresented in the intellectual disability category. However, the results for the Native American population contradicted the existing literature that this specific population is typically overrepresented in the intellectual disability category (Office for Civil Rights, 2006).

### **Moderate Intellectual Disability**

In the IDMO special education category, there was a statistically significant difference between observed values and expected values based on race, such that even though African American students accounted for only 34.55% of the WCPS student population, they accounted for 59.20% of students receiving special education services for a moderate intellectual disability. American Indian (.17% in the WCPS student population v. 0% in the IDMO category), Asian (1.04% in the WCPS student population v. 0% in the IDMO category), Hispanic (17.84% in the WCPS student population v. 15.92% in the IDMO category), white (40.85% in the WCPS student population v. 24.88% in the IDMO category), and students identifying with two or more races (5.44% in the WCPS student population v. 0% in the IDMO category) were underrepresented in this special education category.

The results for some racial groups were consistent with current literature. African American students were 1.71 times more likely to receive services for a moderate intellectual disability than students from other racial groups. Even though they were not

more than 2 times as likely to receive services for a moderate intellectual disability in Wayne County, the results still support the research that African American students are overrepresented in the intellectual disability category (Ford, 2012; Office for Civil Rights, 2006). Our results that Hispanic students were slightly underrepresented in the IDMO category were supported by the research that suggested that Hispanic American students are slightly underrepresented in intellectual disability categories (Ford, 2010; Office for Civil Rights, 2006). However, our findings that American Indian students were underrepresented in the IDMO category in Wayne County contradicted the research study that suggested that Native American students were overrepresented in intellectual disability categories (Ford, 2012; Office for Civil Rights, 2006).

### **Severe Intellectual Disability**

In the IDSE special education category, there was a statistically significant difference between observed values and expected values based on race. African American students accounted for 100% of students receiving services for a severe intellectual disability. Based on our results, African American students were significantly overrepresented in the IDSE category and even though research suggests that African American students are often overrepresented in intellectual disability categories (Ford, 2012; Office for Civil Rights, 2006; Office of Special Education Programs, 2008), our results suggest that the overrepresentation in this category is considerably worse for Wayne County than for the rest of the nation. Every other racial group was underrepresented in this category.

### **Specific Learning Disability**

In the SLD special education category, there was a statistically significant difference between observed and expected values based on race. Even though there was a statistically significant difference for this category based on race, this was the most proportionate category, such that the racial composition of the SLD category was most parallel to the racial composition of the WCPS student population than any other of the special education categories analyzed. Once again, African American students were overrepresented in this category, but only slightly (40.95% in this category v. 34.55% in the WCPS student population); they were also the only racial group that was overrepresented. American Indian students were not represented in this category at all. Asian (.18% in this category v. 1.04% in the WCPS student population), Hispanic (15.08% in this category v. 17.84% in the WCPS student population), white (38.97% in this category v. 40.85% in the WCPS student population), and multi-racial (4.82% in this category v. 5.44% in the WCPS student population) students were all slightly underrepresented in the SLD category.

In comparison to the existing research, our findings were somewhat consistent. In regards to the African American student population, research suggests that this population is approximately one and a half times more likely to be identified with a SLD than white students (Ferri & Connor, 2005; Losen & Orfield, 2002). However, our findings suggest that in Wayne County, the likelihood is not as significant. Research suggests that Hispanic students are often overrepresented in the SLD category (Ford, 2010; Office for Civil Rights, 2006; Office of Special Education Programs, 2008); however, in Wayne County, Hispanic students were slightly underrepresented in the SLD category. Consistent with the research (Losen & Orfield, 2002; Poon-McBrayer &

Garcia, 2000), Asian students living in Wayne County were also underrepresented in this category. However, our findings that American Indian students were not represented in the SLD were inconsistent with the research that suggests that Native American students are overrepresented in the SLD category (Ford, 2012; Office for Civil Rights, 2006).

### **Other Health Impairment**

In the OHI special education category, there was a statistically significant difference between observed and expected values based on race. In this category, African American (36.98% in the category v. 34.55% in the WCPS student population) and students with more than one racial identity (6.98% in the category v. 5.44% in the WCPS student population) were only slightly overrepresented. However, this was the only category that students with more than one racial identity were overrepresented; they were underrepresented in all of the other special education categories analyzed. The most significant OHI overrepresentation based on race occurred among white students (49.60% in the category v. 40.85% in the WCPS student population). In addition, the category of OHI was the only special education category where white students accounted for the largest percentage; in all of the other categories, African American students accounted for the largest percentage. Hispanic (6.43% in the category v. 17.84% in the WCPS student population) students were underrepresented in this category. American Indian and Asian students were not represented in this category at all.

Our findings that Hispanic students were significantly underrepresented in the OHI category were inconsistent with the research that suggests that Hispanic students are only .48 times less likely to receive services for an OHI (Office of Special Education Programs, 2008). In Wayne County, it appears that Hispanic students are significantly



less likely to receive special education services under the OHI category than other Hispanic students across the country.

### **Summary of Findings**

Our findings regarding Wayne County's disproportionate placement of minority students in high-incidence special education categories based on race, suggests that African American students are overrepresented in all of the high-incidence categories and except for the other health impairment category, account for the highest percentage of racial composition in each category. African American students accounted for 100% of individuals receiving services for a severe intellectual disability. Even though American Indian students account for .17% of Wayne County's entire public school population, they were not represented in any of the six high-incidence special education categories. The only category that Asian students were represented in was the specific learning disability category. In this category, Asian students were underrepresented. In addition, Hispanic students were underrepresented in all high-incidence categories. Their racial composition in the moderate intellectual disability and specific learning disability categories was not as significant and was most representative relative to the overall racial composition in the Wayne County public school population. Children who identified with more than one race were only slightly overrepresented in the other health impaired category; they were underrepresented in the serious emotional disability, mild intellectual disability, and specific learning disability categories. White students were underrepresented in all of the high-incidence categories except for the other health impaired category where they accounted for the largest percentage of students receiving special education services in this category. Based on our results, the most significant

special education disproportions were seen in the serious emotional disability and intellectual disability categories for African American students. The racial composition of children receiving services for a specific learning disability was most representative of the racial composition of the entire Wayne County public school student population.

### **Limitations of Study**

There were several limitations of our study. The first limitation is that it was a challenge to gather this data. After permission to analyze archival data was granted by the former exceptional children's director of Wayne County, the examiner met with Wayne County's data manager. The data manager attempted to find the data requested by the examiner, but found it difficult due to schools' inconsistent data reporting practices, such that some schools were better at reporting the number of their children receiving exceptional children's services and their eligibility categories than others. After attempting to find the data in Wayne County, the examiner explored state and national data collection sites, but could not find data specific to race and special education category in Wayne County. Finally the examiner contacted the North Carolina Department of Public Instruction (NC DPI) School Psychology Consultant who directed the examiner's data request to a NC DPI statistician. The statistician was able to supply the requested data set. The challenge of acquiring the data for this study is considered a limitation because it came from an indirect source and not directly from Wayne County. In addition, our data was potentially limited due to the fact that it might have not included some of the children receiving EC services for the past three years due to some Wayne County schools' inconsistent reporting practices.

A related concern regarding this data collection was that neither the data manager nor the EC director in Wayne County mentioned whether or not the system had been identified as having a disproportionality problem when the study was initially proposed and data analysis was granted. This is important because IDEA mandates that if a disproportionate minority representation is found, the LEA in which it was found is required to revise its policies, practices, and procedures used in the special education identification or placement process and to then provide a public report of the changes (U.S. Department of Education, 2007). In addition to the public report, IDEA mandates that the state educational agency examine the data to determine if the disproportionate representation was the result of long-term suspensions and expulsions of children with disabilities. The final IDEA regulation in regards to disproportionality is that state agencies monitor LEAs to ensure that the disproportionate representation of ethnic and minority groups does not occur in special education. This does not seem to be happening reliably in North Carolina.

The second limitation of our study is that our data set did not provide information for all special education categories, especially more subjective categories, such as autism or speech/language impairments. It would have been beneficial to analyze categories such as Autism or speech-language impairments since some studies have suggested that Hispanic children, in particular, are more frequently identified as having a speech-language impairment than are European American students (Valdez, 2003) and that children of Asian/Pacific Islander descent are approximately 1.29 times more likely to receive special education services for autism (Office of Special Education Programs, 2008) than children from other minority groups.

The third limitation of our study is that further analysis of the disabilities that qualified children to receive special education services under other health impaired was not conducted due to the fact that this data is not coded when special education eligibility determinations are made and reported to CECAS. However, if this information was coded, it would have allowed the researcher to analyze the number of children diagnosed with Attention-Deficit/Hyperactivity Disorder (ADHD) to determine if racially and ethnically diverse students were more often diagnosed with ADHD.

### **Recommendations for Wayne County**

#### **Future Research**

Based on our results, recommendations for future research can be made in regards to Wayne County's referral, assessment, and placement decision process. When a special education assessment referral is made, the race of the child being referred should be documented so that future research can analyze if certain racial groups are overreferred for special education assessment. To encourage consistent recording of this information across schools, it is recommended that Wayne County's special education assessment referral forms include a line where children's racial identity is recorded. When the referral forms are sent to compliance personnel, any form that does not include this information should be returned until it is completed. In case compliance personnel do not consistently check the forms, school psychologists should include the race of every child they evaluate in their annual logs. School psychologists should also include students' eligibility determinations, area(s) of eligibility for SLD, and health impairments for OHI in their annual logs. This will allow for more convenient data access for future analysis of special education disproportionality. During the assessment phase, school psychologists

should take into account the overrepresentation of particular racial groups in the different high-incidence categories and should more cautiously select assessments to safeguard against inappropriate assessment practices. In the assessment interpretation/placement decision phase, Individualized Education Plan (IEP) teams in Wayne County should make more culturally- and racially-considerate eligibility determinations to ensure that “true” disabilities exist and that children’s academic and/or behavioral deficits are not the result of racially and ethnically diverse variables. Since lower academic achievement and decreased graduation rates are negative consequences that children in special education are subject to, further research should examine the achievement levels and graduation rates of minority children within Wayne County. Further research that helps determine the reason for the overrepresentation is essential before interventions can be applied.

### **Recommended Interventions**

Based on this study’s results, special education disproportionality does exist in Wayne County’s public schools. In the literature review, effective school-based problem solving teams and parent/school/community partnerships were highlighted as effective interventions to address special education disproportionality. Based on these interventions, it is recommended that Wayne County focus on establishing consistently strong RtI teams across all schools with strong collaboration with and input from school psychologists due to their extensive problem analysis and RtI training. Being aware of the issue of special education disproportionality in the county, RtI teams should monitor the race of every student beyond Tier 1 to ensure that the racial composition of students in Tier 2 and 3 is representative to the racial composition of students in each particular school. This will serve as a special education disproportionality safeguard when an

assessment referral is made. RtI teams should also consider environmental impacts, such as cultural and economical variables, on students' performances when Tier placement and assessment decisions are made. In addition, the RtI teams should make sure that culturally responsive interventions and progress monitoring tools are used so that a true picture of a child's academic performances is collected. With a strong RtI team in each school and an involved district-wide RtI team, it is hopeful that Wayne County will observe significant decreases in minority students being referred, evaluated, and placed in special education.

The second recommended intervention is for Wayne County to create a parent/family/community committee like the committee created by the public school system in Fairbanks, Alaska (National Education Association, 2007). This committee should monitor public school issues, especially special education disproportionality and should encourage and demand the annual analysis of the race of children receiving special education services and their eligibility categories in Wayne County. It is also recommended that the committee make a strong connection with the data manager in Wayne County. The committee should also promote parental involvement during the pre-referral stage so that parents can share information about their child's unique culture and can implement academic and/or behavioral interventions at home to help their child generalize his/her skills. A parent/family/community committee will assist in safeguarding against inappropriate referrals and eligibility determinations as a result of race.

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